

LEGAL AUTHORITY REVIEW CHECKLIST

NAME OF POTW:	City of Rock Springs
NPDES #	WY-0022357
DATE OF REVIEW:	August 6, 2010
Municipal Ordinance Citation	Article 7-4
Comments:	July 2011 Resubmittal

OK = No revision necessary

REC = Recommend Revision

REQ = Revision Required

	Part 403 Cite	OK	Absent or needs mod	POTW Legal Authority Section	REC Mod	REQ Mod	Comments / Notes
Purpose/Objective	403.1	X		Section 1-02(a-d)			
A. Definitions							
Act, Clean Water Act	403.3(b)	X		2-02			
Approval Authority	403.3(c)	X		2-03			

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Authorized Representative of the IU	403.12(l)	X	Mod	2-04		X	<p>Need the following conditions to align with Federal Regulations and 31-01 of the ordinance:</p> <p>1 The authorization is made in writing by the individual described in paragraph 2-04(a) or 2-04(b);</p> <p>2 The written authorization is submitted to the Control Authority.</p> <p>Definition 2-02 refers to the provisions in Section 31.</p>
BMPs	403.3(e)	X	X	2-56		X	<p>Need to establish BMPs establishment of FOG program in 3-08 as BMPs and enforceable Pretreatment Standards</p>
Categorical Standards – Parts 405-471, 40 CFR chapter I, subchapter N. .	403.6, EPA Model Ordinance	X		2-07		X	.

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Categorical Industrial User	EPA Model Ordinance		X			X	
Composite Sample	403 App E	X	X	2-53		X	
Control Authority	403.3(f)	X	Mod	2-10	X		The City has an approved Pretreatment program, therefore striethrough "shall refer to the Approval Authority"
Grab Sample	403 App E	X		2-13			
Indirect Discharge (b),(c),(d)	403.3(i)	X	Mod	2-15		X	means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
Industrial User (or equivalent)	403.3(j)	X		2-41			
Interference	403.3(k)	X		2-16			
National Pretreatment Standard, Pretreatment Standard or Standard (b),(c)	403.3(l)	X		2-47 2-17			
New Source	403.3(m)	X		2-19			
Pass Through	403.3(p)	X		2-48			
Person		X	X	2-21	X		
Pollutant		X		2-36			
POTW	403.3(q)	X		2-26			
Pretreatment	403.3(s)	X		2-24			
Pretreatment Requirement	403.3(t)	X		2-25			

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Significant Industrial User	403.3(v)	X		2-30			Non-Significant CIU Adopted? No X (c)Any instances of an SIU that have no RP and have been determined to be non-SIUs?

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Significant Noncompliance	403.8(f)(2)(viii)	X	Mod	<p>27-02</p> <p>2-52 –definition</p> <p>Needs to align with language in 27-02 and Federal Regs in 403.8(f)(2)(viii)</p> <p>Note: Is the Rocket Miner a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW?</p>		X	<p>45 day reporting deadline Adopted?</p> <p>No X</p> <p>(A)and (B) — replace daily maximum limit or the average limit with a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);</p> <p>(C) replace Pretreatment effluent limit (daily maximum or longer term average with a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard)</p> <p>Minor Typo -- (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation.</p>

	Part 403 Cite	OK	Absent or needs mod	POTW Legal Authority Section	REC Mod	REQ Mod	Comments / Notes
Slug Load or Slug Discharge	403.8(f)(C)(2)(vi)	X		2-31			
B – Prohibited Discharges							
1 – General Prohibitions							
Interference	403.5(a)	X		4-01			
Pass Through	403.5(a)	X	X	4-01		X	Need to include in general discharge prohibitions section to align with Federal Regulations
2. – Specific Prohibitions							
Fire/Explosion Hazard (60° C or 140° F flashpoint)	403.5(b)(1)	X	X	4-02(a)		X	
pH/Corrosion	403.5(b)(2)	X		4-02(c)		X	Prohibition establishes pH limit at a range of 5.0 to 10.0, however, the local limits state 5.0 or above. Conflict in legal authority
Solid or Viscous/Obstruction	403.5(b)(3)	X		4-02(b)			
Flow Rate/Concentration (BOD, etc.)	403.5(b)(4)	X		4-02(j)			
Heat; exceeds 40° C (104°F)	403.5(b)(5)	X		4-02(i) and 4-02(m)			4-02(j) should be deleted because of typo 60 degrees C, 4-02(m) OK
Petroleum /Nonbiodegradable Cutting /Mineral Oils	403.5(b)(6)	X		4-02(m) 4-02(n)			
Toxic Gases / Vapor / Fumes	403.5(b)(7)	X		4-02(n) 4-02(c)			
Trucked/Hauled Waste	403.5(b)(8)	X		4-02(o) 4-02(p)			

	Part 403 Cite	OK	Absent or needs mod	POTW Legal Authority Section	REC Mod	REQ Mod	Comments / Notes
Prohibits discharge to storm sewers		X		3-02			
Local Limits Development	403.5(c) & (d)	X		7-01			
POTWs may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) and (c)(2) of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this Part and section 307(d) of the Act.	403.5(c)(4)		X			X	
Local Limits incorporated into legal authority		X		7-01			
Require compliance with applicable Pretreatment Standards and Requirements by IUs	403.8(f)(1)(i)		X			X	
Prohibition Against Dilution as Treatment	403.6(d)	X		10-01			
C. Permit Conditions							
Deny/Condition New or Increased Contributions	403.8(f)(1)(i)	X		3-07			See attachment for Model Sewer Use Ordinance language
Special Agreements							
Contracts							
Establishes owner and tenant are both responsible							

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Permit Application Requirements		X		8-03 15-02			8-03 – Wastewater Disclosure Forms 15-02 – permit application Difference?
Individual Permits required?	Yes						
General Permits allowed?	No						
Individual and General Control Mechanism (e.g., permit) to ensure compliance	403.8(f)(1)(i) ii)	X		8-04			What is difference between Wastewater Contribution permits in 15-01 and Industrial Wastewater Permit in 8-04?
Statement of Duration	403.8(f)(1)(B)(1)		X	16-01		X	Not in standard permit conditions. In permit template
Statement of Non-transferability	403.8(f)(1)(B)(2)		X	16-02		X	Not in standard permit conditions In permit template
Effluent Limits	403.8(f)(1)(B)(3)	X		8-04(b)			In permit template
General/Specific Prohibitions			X		X		
Best Management Practices	403.8(f)(1)(B)(3)		X		X		
Self-Monitoring Requirements	403.8(f)(1)(B)(4)	X		8-04((g)			In permit template

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Reporting & Notification Requirements	403.8(f)(1)(B)(4)	X		8-04(i)			In permit template
Recordkeeping Requirements	403.8(f)(1)(B)(4)	X		8-04((h)			In permit template
Process for Seeking a Waiver for Pollutants Not Present or Expected to be Present	403.8(f)(1)(B)(4) and 403.12(e)(2)						Adopted? No X
Statement of Applicable Civil and Criminal Penalties	403.8(f)(1)(B)(5)		X			X	
Requirement to Control Slug Discharges (if necessary)	403.8(f)(1)(B)(6)		X			X	
Immediate Notification of changes affecting potential for a slug discharge	403.8(f)(C)(2)(vi)	X		3-14(g)			In permit template
Additional Monitoring to be Reported	403.12(g)(6)		X			X	Needs to include authority in 17-02(A) and 17-06(5) as a permit condition and include in permit template
Continuation of Expired Permits			X				
Permit Modification		X		15-03 Apply to permits in 8-04?			In permit template
Permit Revocation/Termination			X				In permit template
Proper O&M		X		3-09			
Duty to Halt/Reduce			X				
Change in Discharge			X				In permit template
Chain of Custody Required			X		X		In permit template

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Sampling Facilities		X		3-10			
Treatment			X				

D. Require Development of Compliance Schedule and Reporting Requirements

Develop compliance schedule for installation of technology	403.8(f)(1)(iv)	X		8-03(i) 17-01(a) reporting requirement 20-02 – compliance schedule for an approved Pretreatment Program			EPA strongly recommends striking through the POTW only provision in 20-02
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Reporting Requirements – 403.12

Baseline monitoring report	403.12(b)	X		17-04			Is 17-01(a) intended to also address BMR requirements?
(i) - Identifying Information	403.12(b)(1)	X		17-04(d)(i)			
(ii) - Other Environmental Permits Held	403.12(b)(2)	X		17-04(d)(ii)			
(iii) - Description of operations	403.12(b)(3)	X		17-04(d)(iii)			
(iv) - Flow measurements – All wastestreams	403.12(b)(4)	X		17-04(d)(iv)			
(v) - Measurement of pollutants	403.12(b)(5)	X		17-04(d)(v)			
(vi) - Certification	403.12(b)(6)	X		17-04(c)(e)			

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(vii) - Compliance schedule and progress reports	403.12(b)(7) and 403.12(c)	X		17-04(c)(f)			
90 day compliance report for categorical Pretreatment Standards	403.12(d)	X		17-05			
Periodic reports on continued compliance							
- From categorical users	403.12(e)	X		17-01(c)			
- From significant non-categorical users	403.12(h)	X		17-02(a)			
Notice of potential problems (including slug loads) to be reported immediately	403.12(f)	X		3-14(g)			
24 hour notification of violations	403.12(g)(2)	X		17-06(2)			
30 day re-sampling requirement	403.12(g)(2)	X		17-06(2)			
Requirement to conduct representative sampling	403.12(g)(3)	X		17-06(3)			
Notification of changed discharge	403.12(j)		X			X	Need to include to align with Federal Regulations.
Notification of discharge of hazardous waste	403.12(p)	X		17-03			
Other Reporting Requirements							
Reporting certification and authorized signatory	403.6(a)(2)(ii) and 403.12(l)	X		31-01 31-02 31-02 – certification statement			
Recordkeeping Requirement	403.12(o)	X		32-01			

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- Including documentation associated with Best Management Practices	403.12(o)		X		X		BMPs Adopted? No X need to include BMP documentation in this section
Submission of all monitoring data.	403.12(g) (6)	X		17-02(c) 17-06(5)			
Annual certification by Non-significant categorical Industrial Users	403.3(v)(2)						Adopted? No X
Certification of pollutant not present	403.12(e) (2)(v)						Adopted? No X
Accidental Discharge Reporting		X		3-14			
Upset Provisions	403.16		X				
Bypasses and Notification	403.17		X				
E. Test Procedures [40 CFR Part 136 & 403.12(g)(3)]							
Analytical procedures (40 CFR Part 136) [NOTE: Required streamlining provisions]	403.12(g)(5)	X		3-11 17-06(4)			
Sample collection procedures [NOTE: Required streamlining provisions]	403.12(g)(3) and (4)	X		17-06			
F. Inspection and Monitoring Procedures [403.8(f)(1)(v)]							
Right of Entry	403.8(f)(1) (v)		Mod	19-02	X		Recommend striking through reasonable because this is subject to interpretation between City and IU

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Identify all IUs, flows and pollutants	403.8(f)(2) (i) and (ii)		Mod	19-02	X		Minimally adequate language - EPA recommends the City expand these provisions to directly establish right of entry to perform these tasks.
Inspect and take samples independent of IU	403.8(f)(1) (v) and (f)(2)(v) and (f)(2)(vii)		Mod	19-02	X		Minimally adequate language - EPA recommends the City expand these provisions to directly establish right of entry to perform these tasks.
Right to require installation of monitoring equipment and facilities	403.8(f)(1) (iv)		Mod	19-02	X		Minimally adequate language - EPA recommends the City expand these provisions to directly establish right of entry to perform these tasks.
Right to inspect and copy records	403.12(o)(2)	X		19-02			
G. Remedies for Non-compliance (Enforcement) [403.8(f)(1)(vi)]							
Enforcement Response Plan incorporated into legal authority	403.8(f)(5)	X		Section 22			
Injunctive relief	403.8(f)(1) (vi)(A)	X		26-01			

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Civil penalties		X		27-06			Penalty amount: \$1,000
Criminal penalties	403.8(f)(1) (vi)(A)	X		27-07			
Immediately halt actual/threatened discharged	403.8(f)(1) (vi)(B)	X		22-02			
NOVs		X		24-01			
Consent Orders							
Show Cause Hearing		X		25-01			
Cease and Desist Order		X		22-02			
Administrative Orders							
Administrative Penalty Authority		X		27-01			\$1,000/violation/day
Falsification/Tampering		X		28-01			
Permit Termination		X		23-03			
Suspension of Sewer Service		X		22-02			
Note: EPA Recommends orders listed in ERP (Administrative, consent-compliance, and cease and desist) be more descriptive in enforcement section of ordinance							
H. Public Participation							
Publish list of Industrial Users in Significant Noncompliance [NOTE: Required streamlining revision]	[403.8(f)(2)((viii))	X		27-02			Rocket Miner a newspaper of general circulation that will provide meaningful notice to the service area of the POTW?
2. Access to data (Confidentiality)		Mod	21-01, need to include the following provision: b) <i>Effluent data</i> . Information and data provided to the Control Authority pursuant to this part which is effluent data shall be available to the public without restriction.				

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Government	403.14(a) and (c)	X		21-02			
Public	403.14(b)	X		21-02			
I. BMPs and Sector Control Programs							
Oil and Grease		X		3-08		X	What is a Manifest System? Voluntary or permitting, this program should be a mandatory and enforceable BMP- based program
Silver		X		3-08(10)(c)(xxv)		X	
Mercury							
Other facilities (machine shops, auto repair, dry cleaners, laundries)		X		3-08(10)(c)(xxiii)			
J. Optional Provisions							
Net/Gross adjustments	403.15						Adopted? No X
Convert concentration limits to mass limits	403.6(c)						Adopted? No X
Convert mass limits to concentration limits	403.6(c)						Adopted? No X
Reduce periodic compliance reporting (middle Tier CIU)	403.12(e) (3)						Adopted? No X

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Other special agreement or waivers (excluding wavier of National Categorical Pretreatment Standards)		X		3-12			Adopted? Yes X Surcharge of conventional pollutants
Hauled Waste Reporting/Requirements			X				
Removal Credit	403.7	X		6-01			
Outside Jurisdictions/IGAx		X		Section 33			

